

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (1) and (2), the repackaged tablets failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the tablets contained a chemical derivative of barbituric acid, which derivative has been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as, habit forming; and the repackaged tablets failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the repackaged tablets bore no labeling containing directions for use.

**DISPOSITION:** May 10, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$100 and costs against the company and a fine of \$50 against the individual.

**3123. Misbranding of Carbrital capsules. U. S. v. McDowell's Pharmacy and John Vance McDowell.** Pleas of guilty. Individual fined \$500 on count 1 and assessed costs on counts 2 and 3; pharmacy also assessed costs, which were suspended. (F. D. C. No. 28128. Sample Nos. 19355-K, 52048-K, 52054-K.)

**INFORMATION FILED:** February 8, 1950, Northern District of Ohio, against the McDowell's Pharmacy, a partnership, Akron, Ohio, and John Vance McDowell, a partner in the partnership.

**INTERSTATE SHIPMENT:** Between the approximate dates of June 24 and August 8, 1947, from the State of Michigan into the State of Ohio.

**ALLEGED VIOLATION:** On or about June 10, 17, and 29, 1949, while a number of *Carbrital capsules* were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the capsules to be repacked and sold without a prescription, which acts of the defendants resulted in the repackaged capsules being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the *Carbrital capsules* contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as, habit forming; and the repackaged capsules failed to bear a label containing the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the repackaged capsules bore no labeling containing directions for use.

**DISPOSITION:** June 7, 1950. Pleas of guilty having been entered, the court imposed a fine of \$500 on count 1 and assessed costs in the amount of \$21.10 on counts 2 and 3 against the individual defendant. The court also assessed costs in the amount of \$21.10 against the partnership, which costs were suspended.

**3124. Misbranding of sodium pentobarbital capsules and seconal sodium capsules. U. S. v. Jay Leonard Bumpas (Bumpas Drug Store), and Bailey Ammons.** Pleas of nolo contendere. Fine of \$250 against defendant Bumpas and \$100 against defendant Ammons. (F. D. C. No. 28140. Sample Nos. 56043-K to 56046-K., incl., 56049-K.)

**INFORMATION FILED:** March 22, 1950, Western District of Oklahoma, against Jay Leonard Bumpas, trading as the Bumpas Drug Store, Frederick, Okla., and against Bailey Ammons, a pharmacist employed at the drug store.

**INTERSTATE SHIPMENT:** On or about May 13, 1948, and January 28, 1949, from the States of New York and Indiana into the State of Oklahoma.

**ALLEGED VIOLATION:** While a number of *sodium pentobarbital capsules* and *seconal sodium capsules* were being held for sale after shipment in interstate commerce, the defendants caused, on or about February 17 and March 23, 1949, various quantities of the *sodium pentobarbital capsules* to be repacked and sold without a prescription; and, in addition, Jay Leonard Bumpas caused, on or about March 22 and 23, 1949, various other quantities of *sodium pentobarbital capsules* and a quantity of *seconal sodium capsules* to be repacked and sold without a prescription, which acts of the defendants resulted in the repackaged capsules being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear labels containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the capsules contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as, habit forming; and the repackaged capsules failed to bear labels containing the name, and quantity or proportion of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use since the repackaged *sodium pentobarbital capsules* bore no labeling containing directions for use and since the directions "One at bedtime as needed for rest" on the labeling of the repackaged *seconal sodium capsules* were inadequate; and, Section 502 (b) (1), the repackaged *sodium pentobarbital capsules* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** May 9, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$250 against defendant Bumpas and a fine of \$100 against defendant Ammons.

3125. Misbranding of seconal sodium capsules. U. S. v. Fair Price Drug Corp., Leo Mesirow, and Leo Levinson. Pleas of nolo contendere. Fine of \$300 against corporation; fine of \$100 against each individual defendant. (F. D. C. No. 28102. Sample Nos. 15876-K, 15877-K.)

**INFORMATION FILED:** January 18, 1950, Northern District of Illinois, against the Fair Price Drug Corp., Chicago, Ill., and against Leo Levinson and Leo Mesirow, president and secretary, respectively, of the corporation.

**INTERSTATE SHIPMENT:** Between the approximate dates of September 10, 1948, and February 16, 1949, from the State of Indiana into the State of Illinois.

**ALLEGED VIOLATION:** On or about April 1 and 5, 1949, while a number of *seconal sodium capsules* were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the capsules to be repacked and sold without a prescription, which acts of the defendants resulted in the repackaged capsules being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (1) and (b) (2), the repackaged capsules failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.